

ESTTA Tracking number: **ESTTA746727**

Filing date: **05/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217017
Party	Plaintiff Pionetechs, Inc.
Correspondence Address	DANIEL S POLLEY DANIEL S POLLEY PA 7251 WEST PALMETTO PARK ROAD , SUITE 202 BOCA RATON, FL 33433 UNITED STATES dan@danpolley.com
Submission	Motion to Consolidate
Filer's Name	Daniel S. Polley
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Signature	/Daniel S. Polley/
Date	05/16/2016
Attachments	Motion to Consolidate.pdf(69400 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter Trademark Application Serial No. 85817418

For the Mark: IWAITLESS

Filing Date: January 7, 2013

**PIONETECHS, INC.,**

**Opposer,**

**vs.**

**GO SWIFTLY, LLC, a Minnesota Limited  
Liability Company,**

**Applicant.**

**Opposition No. 91217017.**

**OPPOSER’S MOTION TO CONSOLIDATE**

Opposer, Pionetechs, Inc., (“Opposer”), by and through the undersigned counsel, hereby files this Motion for Consolidation of the above-identified proceeding with Cancellation Proceeding No. 92059504 and in support thereof respectfully states:

1. Opposer currently has filed the above-identified opposition proceeding against U.S. Application No. 85/817,418 for the mark IWAITLESS and the above noted cancellation proceeding against U.S. Registration No. 4,407,657 for the mark WAITLESS.

2. Though the Applicant of the ‘418 Application is not the same party as the Registrant’s of the ‘657 Registration, Opposer believes that the individual registrants of the ‘657 Registration are the principals/officers of the corporate Applicant of the ‘418 application and are thus believed to be related parties.

3. Applicant and Registrants are represented by the same counsel.

4. Answers have been filed in both proceedings.

4. The issues involved in both proceedings concern common questions of law or fact. When the parties are involved in cases concerning common questions of law or fact pending before the Board, consolidation of such cases may be appropriate. See Fed. R. Civ. P. 42(a); and TBMP §511.

WHEREFORE, Opposer respectfully requests that the Board grant this Motion to Consolidate.

Respectfully submitted,  
Attorneys for Opposer

/Daniel S. Polley/  
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#### CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of May 2016, a true copy of the foregoing OPPOSER'S MOTION TO CONSOLIDATE was served by first class mail to Applicant's counsel:

Abiola Shobola, Esq  
1239 Highland Parkway  
St Paul, Minnesota 55116

Executed on May 16, 2016

/Daniel S. Polley/  
Daniel S. Polley, Reg. No. 34,902